



### **Administrative Policies and Procedures: 4.3**

<b>Subject:</b>	<b>Telecommuting</b>
<b>Authority:</b>	TCA 37-5-105, 37-5-106
<b>Standards:</b>	None
<b>Application:</b>	To All Department of Children's Services Employees

#### **Policy Statement:**

The Department of Children's Services shall adhere to the established policies and procedures on Telecommuting as defined by the Commissioners of the Departments of Personnel and Finance and Administration.

#### **Purpose:**

To set the standards for a consistent process and treatment of employees regarding requests for telecommuting and to facilitate success in the alternative work arrangement. This policy recognizes the societal, management, and personal benefits available through a carefully planned and managed telecommuting program.

#### **Procedures:**

<b>A. Introduction</b>	<ol style="list-style-type: none"><li><b>1. Telecommuting</b> Telecommuting is the use of telecommunications and computer technologies to allow some employees to regularly perform some or all of their assigned duties at a location other than the division's office address during assigned work hours. The telecommuting work site is normally the employee's home.</li><li><b>2. Scope</b> This policy applies to all telecommuting activities of the department. All supervisors and telecommuters must be familiar with the contents of this policy.</li></ol>
<b>B. Advantages to the employer, employee and community</b>	<ol style="list-style-type: none"><li><b>1. Advantages for the Employer</b> An employee participating in the telecommuting program should benefit the employer through:<ul style="list-style-type: none"><li>◆ Cost savings due to a reduction in office facilities;</li><li>◆ Increased job performance/productivity;</li><li>◆ Improved employee morale and job satisfaction;</li></ul></li></ol>

	<ul style="list-style-type: none"> <li>◆ Reduced absenteeism/turnover;</li> <li>◆ Improved recruitment and retention of highly skilled employees;</li> <li>◆ Enhancement of the Department's position as an innovative employer;</li> <li>◆ Cost reduction in the areas of hiring and training;</li> <li>◆ Environmental/community benefits (lower gas consumption, less traffic)</li> </ul> <p><b>2. Advantages for the Employee</b></p> <p>Participation in the telecommuting program should benefit the employee through:</p> <ul style="list-style-type: none"> <li>◆ Greater productivity and creativity;</li> <li>◆ Increased flexibility and control over work schedule and personal life;</li> <li>◆ Elimination of commuting time and stress from driving;</li> <li>◆ More control over working environment, fewer distractions;</li> <li>◆ Increased familiarity with technology (computers, modems, fax machines);</li> <li>◆ Savings on clothing, meals and commuting costs;</li> <li>◆ Assistance with family obligations</li> </ul>
<b>C. Participation</b>	<p><b>1. Eligibility Criteria</b></p> <ul style="list-style-type: none"> <li>a) Telecommuting is not a universal employee benefit. It is not available for every job or every employee in the Department. Only eligible employees may apply for participation.</li> <li>b) Eligibility, however, does not determine selection. An employee is selected to participate at the sole discretion of the Department.</li> <li>c) Employees satisfying the following criteria may apply for participation in the program: <ul style="list-style-type: none"> <li>◆ No pending personnel related disciplinary action;</li> <li>◆ Portable job duties;</li> <li>◆ Availability of a work site suitable for telecommuting;</li> <li>◆ Not in probationary status.</li> </ul> </li> <li>a) The Department reserves the right to waive any of the above eligibility criteria if determined to be in the best interest of the Department.</li> </ul> <p><b>2. Selection Criteria</b></p> <ul style="list-style-type: none"> <li>a) Selection of participants is a key activity from both an individual and organizational standpoint. Selection of program participants is within the sole discretion of the Department.</li> <li>b) The criteria used to select participants include but are not limited to: <ul style="list-style-type: none"> <li>◆ Employee meets eligibility criteria;</li> <li>◆ Supervisor agreement and approval;</li> </ul> </li> </ul>

- ◆ Nature of the work to be accomplished;
- ◆ Job duties with clearly defined performance requirements that are measurable and results oriented;
- ◆ Willingness to participate in telecommuter training and Department surveys;
- ◆ Performance of current duties for at least six (6) months prior to submitting application (**CS-0603, Telecommuting Application**);
- ◆ Achieves the business needs of the Department;
- ◆ Ability of the employee to adapt to a telecommuting arrangement;
- ◆ Current and past performance reviews;
- ◆ Availability of computers and other equipment;
- ◆ Agreement to terms of the Telecommuting Agreement;

c) The Department reserves the right to waive any of the above criteria if determined to be in the best interest of the Department.

### 3. Position Suitability

Some job positions are more suitable for telecommuting than others. Jobs that do not require face-to-face interaction, require minimal supervision, involve the extensive use of computers and/or telephones and have clearly defined and easily measurable tasks are more appropriate for a telecommuting arrangement. The Department will examine the distinct activities, functions and tasks of an employee's position to determine whether the position is appropriate for a telecommuting arrangement.

### 4. Participant Suitability

- a) The characteristics of a successful telecommuter include, but are not limited to the following:
- ◆ Dependable;
  - ◆ Self motivated and responsible;
  - ◆ Knowledgeable about Department/division policies and procedures;
  - ◆ Independent worker needing minimal supervision;
  - ◆ Possesses good organizational skills;
  - ◆ Effective communicator;
  - ◆ Adaptable to change;
  - ◆ Results oriented.
- b) In selecting participants, the Department will review and consider whether the applicant possesses these and/or other pertinent characteristics.

## D. Program guidelines

## 1. Telecommuting Categories

The following telecommuting options are available for selected participants:

- a) **Long-term** - Employee is assigned as a telecommuter for an unspecified period of time. For all practical purposes, the employee is considered a “permanent” telecommuter, although the telecommuting assignment may be terminated due to changes in circumstances.
- b) **Short-term** - Employee is assigned as a telecommuter for a specified period of time. Some examples of short-term telecommuters include employees assigned as telecommuters on a trial basis to determine suitability for telecommuting, or employees working on a special project that would benefit by telecommuting.

- 2. **“On call”** employees are *not* considered participants in the telecommuting program; however, their duties require them to be available after working hours and may require them to have state-owned equipment at their home address (*i.e., Information Technology staff*).

## 3. Performance Evaluations

The telecommuter is responsible for maintaining availability, appropriate levels of production and quality of work while telecommuting. The supervisor will use the Department's performance management system to define the performance expectations of the employee. Specific tasks, timelines, performance measures and deliverables should be clearly identified before beginning the program. The supervisor and telecommuter at the completion of their participation and on the telecommuter's performance appraisal review date will evaluate the program. If necessary the supervisor will amend or modify the telecommuter's performance plan.

## 4. Work Schedule

- a) A mutually established telecommuting schedule must be defined and agreed upon by the telecommuter and supervisor and remains on file in the Department. However, the *Department's needs take precedence over the telecommuting schedule*. The telecommuter shall report to the official workstation when requested by the supervisor. In determination of the frequency and extent of reporting to the official workstation, Department needs such as staffings, meetings, and training shall be taken into consideration. The telecommuter must be reachable during the periods outlined in the telecommuting work schedule.
- b) The supervisor must discuss issues regarding overtime authorization, and other related topics with the telecommuter prior to implementing the telecommuting agreement. The telecommuter's supervisor must approve any adjustment to the approved work schedule.
- c) The following work schedule options may be considered for telecommuting:
  - ◆ **Full-time:** Employee works a 37.5-hour week at the telecommuting work site.
  - ◆ **Part-time:** Employee works less than a 37.5-hour week at the telecommuting work site.

**5. Work Station Location**

The telecommuter's official workstation location is considered to be the place where the employee's state-issued equipment is primarily located – usually the telecommuter's home address.

**6. Department & Division Policies**

Telecommuters are subject to the same Department and Division rules, policies, statutes, and procedures applicable to non-telecommuters including, but not limited to time and attendance, leave, insurance and other benefits.

**7. Liability**

- a) The State shall not be liable for injury or property damage to third persons at the telecommuting work site.
- b) Telecommuter agrees to indemnify and hold harmless the State, its agents and employees, from and against any and all claims, demand, judgments, liabilities, losses, damages or expenses resulting or arising from any injury or damage to any person, corporation or other entity caused directly or indirectly by the telecommuter's acts, omissions, bad faith, willful misconduct or negligence excluding acts within the scope of the telecommuter's employment pursuant to Tennessee Code Annotated Section 9-8-307(h).

**8. Workers Compensation**

Work related telecommuter injuries occurring at the telecommuting work site are subject to Tennessee Workers Compensation laws. The telecommuting work site is considered an extension of the division workstation during the time period outlined in the telecommuting schedule.

**9. Work Environment**

The telecommuter shall designate a telecommuting work site at their home, which allows the performance of their assigned work. The telecommuter is responsible for maintaining a safe, healthy, professional and secure telecommuter work site. The Department has the right to inspect the telecommuter work site upon notice during the times outlined in the telecommuting schedule.

**10. Equipment, Supplies, and Telephone/Data Connection**

- a) For long-term, full-time telecommuters, the Department will provide the necessary equipment, supplies, and telephone/data connection for the telecommuter to perform his/her job duties and will be responsible for the installation, testing, and maintenance of such equipment, supplies, and telephone/data connection. The Department will provide equipment, supplies, and telephone/data connection only for the telecommuting work site.
- b) The telecommuter is responsible for furnishing additional equipment not normally provided by the Department. When an employee's duties require broadband access to departmental computer systems, the employee will provide cable or DSL connection to the Internet. The department will provide virtual private network (VAN) software to ensure secure access.

- c) The Department will maintain and repair only equipment provided to the telecommuter by the Department. The telecommuter shall promptly report any problems or support through the DCS Help Desk at (615) 741-4636 or (888) 853-4636.
- d) If a telecommuter provides equipment, the Department will be responsible for the installation, testing and maintenance of only the software provided by the department that directly affects the telecommuter's ability to telecommute.
- e) Equipment, software, telephone services, supplies, etc. provided by the Department shall be used only for official Department business. Personal use of these materials is prohibited.
- f) Equipment, supplies, software and hardware provided by the Department remain Department property and must be returned to the Department in good working condition at the termination of the telecommuting agreement or when requested by the Department.

#### **11. Change in Assignment**

In the event of a delay in the repair or replacement of equipment or any other circumstance under which the telecommuter is unable to perform the job duties, the telecommuter may be assigned to perform other work and/or assigned to another location at the sole discretion of the Department.

#### **12. Security**

- a) Materials and documents transported from the official workstation are the telecommuter's responsibility. The telecommuter will protect the Department records and documents from unauthorized disclosure or damage and will comply with Department policies and procedures regarding such matters.
- b) Telecommuters using Department provided software will adhere to the manufacturer's licensing agreements, including the prohibition against unauthorized duplication. To protect confidentiality and guard against data contamination, telecommuters will follow Department approved data security procedures. Department provided commercial software such as Microsoft Office is authorized for installation on state equipment, only.

#### **13. Family Responsibilities**

The telecommuter shall have family arrangements, which allow the telecommuting work site to be a productive working environment.

#### **14. Travel Expenses**

The Department will reimburse telecommuters for travel expenses according to the State of Tennessee Comprehensive Travel Regulations.

#### **15. Other Expenses**

- a) The Department shall not assume responsibility for any additional costs associated with telecommuting such as utilities, home maintenance, etc., other than those specifically referenced in this policy.
- b) The telecommuter shall be responsible for any tax implications of the telecommuting arrangement. It is the telecommuter's responsibility to provide insurance coverage for equipment, supplies, etc. provided by the

	<p>telecommuter. Neither the State, nor the Department assumes responsibility for this coverage.</p> <p><b>16. Zoning and Other Land Use Restrictions</b></p> <p>The telecommuter is responsible for compliance with any local zoning ordinances or other restrictions related to maintaining a telecommuting work site in the home. The Department will not be liable for any fines, penalties, taxes or other expenses that may accrue as a result of any violation of applicable restrictions.</p> <p><b>17. Termination of Agreement</b></p> <p>a) To request termination of participation in the program, the telecommuter shall notify his/her supervisor in writing. The Department shall arrange for the telecommuter to return to work at the Division office address within a reasonable time after receipt of the written request.</p> <p>b) The telecommuting agreement may be modified or terminated by the Department, without cause and upon reasonable notice.</p> <p><b>18. Exceptions to the Program Guidelines</b></p> <p>The Department reserves the right to make exceptions to program guidelines if determined to be in the best interest of the Department.</p>
<b>E. Training and evaluation</b>	<p><b>1. Training</b></p> <p>Employees selected to participate in the telecommuting program will be required to participate in basic telecommuting orientation and such other telecommuting training required by the Department. Telecommuters will be offered the same training opportunities as non-telecommuters.</p> <p><b>2. Program Evaluation</b></p> <p>The employee and supervisor will participate in all Department studies, evaluations, inquiries, reports or analyses relating to the telecommuting program</p>

<b>Forms:</b>	<u><a href="#">CS-0603, Telecommuting Application and Agreement</a></u>
<b>Collateral documents:</b>	<i>None</i>

<b>Glossary:</b>	
<b>Term</b>	<b>Definition</b>
<b>Department:</b>	Department of Children's Services (DCS)
<b>Employees:</b>	Refers to DCS employees.
<b>Official Work Station:</b>	The primary location of state-issued equipment for the employee's use. For traditional employees and part-time telecommuters, the division office address is usually the official workstation. For full-time telecommuters, the official workstation is usually the employee's home address.
<b>Supervisor:</b>	Person to whom an employee directly reports.
<b>Telecommuter:</b>	DCS employee who telecommutes.